Dear Jim,

9/27/72

Just as we'd finished lunch and I was about to get onto the memorandum of points and authorities and the petition itself the TV aerial repairman came. So, with these interruptions and noises, which will interfere with typing, I'd best not start that until they leave.

I checked on the prints yesterday afternoon. They were not good because the developer was not good. They are being done over. We'll best phone when you get here and learn if you can take them back with you tomorrow. It will likely not be more than 15 minutes if they are ready and you want them now.

I was somewhat unhappy about the good news from Lesar that you conveyed when we spoke yesterday. That he is willing to provide it puts us back where I was two years ago. But we do not have it does the same. You will recall that Bud mixed this when I had the written offer from Duke of which you have a copy. I just don't see, frankly, how there could have been serious purposes in the defense as Bud conceived it not to have this material. We still need it, as was more than obvious then. Now we have to worry about what might have been conveniently mislaid, sequestered or destroyed.

Of course, it also means bad timing, distraction for you when you can little tolerate it with the other things you must do, and getting it - if we now do get it - too late to do anything with it if it holds good stuf because of time pressures, or revising what has been revised too often.

There really is no question of cost involved in this for Bud because he has pissed away more money than a real pre-petition effort would have cost, the difference being only that the large sums were actually pissed away and the clearly indicated work of real prospect and importance was neglected.

If the Lesars' decline to mail the files, and in their position I would, what this means is that we should both go there. There are few things I want to do less. There are few things you now ought to be occupied with less. Yet the potential is such that I think we should both go over these things with care, you for the legal potential, me for the factual at least.

Few things are less gratifying than having seen the obvious only to have it made the impossible, and there is no joy in being right when being wrong was also obvious as it was stupid - when it took no genius to be right.

At some point all this has to get straightened out. How it can be I don't know. I've made more than enough effort, but if I say high noon is broad daylight is ipso facto becomes the dark of night. I've had all of that I want.

Unless it is straightened out and from now on goes as it should, we both face either abdication or endless waste, inefficiency, needless and undesirable emotional turmoil, and a constant mortgage on our time and effort.

I have no solutions. My own situation is past where I will even take the time to try and conceive one. But we sure as hell require some kind of different future on this, in all its aspects. You, too, friend. Much too much of your time has been wasted, with no possibility of profit from the waste. If it is not your fault, that doesn't change the reality. It was waste. There is too much [illegible] to be done for the luxury of waste to indulge others for whatever this kidding nee means in their fancies.

Whether or not it has been productive, and in my view a refusal to be pon_ is productive, each of the letters that you recently had to write is one I urged so long ago! and personally promised to write the Frank/Doubleday letters the day after I confronted Frank in St. L. That was mid-May, and I had raised this earlier.

Meanwhile, don't lose sight of this: Foreman gave his files to Hooker; Hooker to all the syco_hantic writers and the Lesars. Or, in toto, all the files are available to all those who will say what the prosecution wants said but simultaneously are denied the defendant. That should be a telling point if put together well. In letters alone you should now have close to enough.

When the hammering and other noise stops, I'll try to get to typing.

Sincerely,